

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)
)
Joint Application by BellSouth Corporation,)
BellSouth Telecommunications Inc., and)
BellSouth Long Distance, Inc. for Provision)
of In-Region, InterLATA Services)
In Georgia and Louisiana)
)

CC Docket No. 01-277

AFFIDAVIT OF JOHN D. McLAUGHLIN, JR.

State of Georgia)
)
County of Fulton)

John D. McLaughlin, Jr., being of lawful age and duly sworn, hereby
states as follows:

1. My business address is 1755 North Brown Road, Lawrenceville, Georgia. I am the Director of State Government Affairs for KMC Telecom, and as such am responsible for managing KMC Telecom's state-level regulatory and legislative obligations throughout an eleven state region encompassing Georgia, Florida, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Kentucky, Maryland and Virginia.

2. KMC Telecom (KMC) is a facilities-based Competitive Local Exchange Carrier ("CLEC") competing in Georgia, Louisiana, and in many other states across the country. KMC and its affiliates are building switched, high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and

data services. While KMC invests millions of dollars in each of the primarily tier III cities in which it competes, we rely upon the ILECs to provide the all important last mile of connectivity to most of our customer locations.

3. I have been the Director of State Regulatory Affairs for KMC Telecom since May, 2000. Prior to joining KMC, I spent thirteen (13) years with the Georgia Public Service Commission ("PSC"). In my most recent assignment with the Georgia PSC, I served as Principal Public Utilities Engineer-Telecommunications. In that position, I advised the Commissioners on major regulatory cases such as BellSouth's 271 applications, arbitration of Interconnection Agreements, and unbundled network element ("UNE") costs. I also established performance standard measures for the processing of CLEC orders and managed the process for reviewing and approving negotiated Interconnection Agreements. I have a Bachelor of Science degree in Electrical Engineering from the University of Tennessee.

4. KMC's ability to compete in Georgia and Louisiana has been severely hampered by BellSouth's poor performance and unresponsiveness. The data that BellSouth provides through its data reporting mechanism indicates that BellSouth is not in compliance with the section 271 checklist. BellSouth provides KMC with substandard performance in the areas most vital to competition: loop provisioning and directory listings.

BELLSOUTH'S LOOP PERFORMANCE PREVENTS A FINDING OF COMPLIANCE WITH CHECKLIST ITEM IV

5. Based on our real-world experience, it appears that BellSouth does not have proper procedures for performing loop hot cuts with number portability since successful hot cuts

result only from a tremendous amount of hand-holding by KMC in the three or four days preceding the cut-over. It is possible, however, that the BellSouth technicians are simply not following otherwise adequate procedures. In either event, the effect of BellSouth's poor performance is the same – an end user that is unsatisfied with KMC, and with the efficacy of local competition in general.

6. In performing loop hot cuts, BellSouth fails to meet its obligation to perform the time specific hot cuts for which KMC contracts. In other instances, BellSouth will fail to postpone an order despite adequate notice, resulting in either full or partial service outages. Since there are two separate D and N orders involved, BellSouth will frequently postpone or “supp” only the disconnect or the reconnect order leaving customers with an outage.

7. In terms of missed installations, BellSouth's most recent data indicates that it missed *over one-fourth* of the basic two-wire analog loop installs for KMC in Georgia during August, 2001, a decline of 10% as compared to its June performance. BellSouth Georgia also missed 7.7% of the DS-1 orders in August and 33% of the DS-1 installs in June. Other significant results include misses of 11% of the UNE Other Design installs in August, 19% of the two-wire loops with LNP Design, and 25% of the Digital loops < DS-1 and ISDN loop installs in June. Such extremely poor and inconsistent performance makes it quite difficult to compete on a UNE-loop basis. In fact, during the period July, 2000, through April, 2001, BellSouth missed 23% of all UNE appointments it had confirmed for KMC in Georgia. (Source: BellSouth PMAP Website - <http://pmap.bellsouth.com>).

8. BellSouth's loop installation performance is equally deficient in Louisiana. BellSouth missed 41% of the DS-1 installs for KMC in June, 25% of the basic two-wire analog

loop installs in July, 2001, and 28% of the DS-1 installs in August. Like Georgia, BellSouth Louisiana missed 11% of the “UNE Other Design” installs in August, and 27% of the two-wire loops with LNP Design. BellSouth’s Louisiana performance was even worse than BellSouth Georgia’s performance during the period October, 2000, through April 2001, missing 33% of all UNE appointments it confirmed with KMC. (Source: BellSouth PMAP Website - <http://pmap.bellsouth.com>).

9. Even when service is finally turned up, loop outage problems plague our service. Within 30 days of BellSouth turning up the KMC loops, 11% of our analog loops, 8.3% of the analog loops with LNP and 7% of the DS-1 loops failed in August. Prior to that, 9.5% of the analog loops with LNP and 25% of the digital loops < DS-1 failed in July, while 25% of the DS-1 and higher loops failed in June.

10. Outage problems within 30 days of BellSouth turning up KMC loops are equally as problematic in Louisiana. In June 2001, 15.4% of our two-wire analog loops with LNP, 14% of DS-1 loops, and 19% of Digital loops < DS-1 failed within 30 days.

11. Chronic outages are an even bigger concern. BellSouth’s own reported performance numbers indicate that over *two-thirds* of KMC’s DS-1 loops in Georgia that suffered a trouble in August had a prior trouble, while 42% of KMC’s DS-1 loops with trouble in Louisiana in August had a prior trouble. Even worse, in Georgia, *three-fourths* of the DS-1 circuits in July suffered from that same problem, while nearly half of KMC’s DS-1 loops suffered from a prior trouble in Louisiana. Unfortunately, this is not a recent crisis. For the ten month period July, 2000, through April, 2001, the number of trouble reports on KMC circuits in Georgia that had a trouble in the preceding 30 days averaged almost 20%. In Louisiana, almost

one out of every five troubles on KMC UNE circuits during the seven month period from October, 2000, through April, 2001 were on lines with a prior problem.

12. While these KMC-specific numbers are quite bad, they are unfortunately consistent with the poor performance received by CLECs in the aggregate. In April of this year, for example, BellSouth reported the following repeat trouble percentages: 22% for business lines, 48% for Design circuits, 24% for UNE Design, 17% for UNE Non-Design and 23% for Local Trunks. (Source: BellSouth PMAP Website - <http://pmap.bellsouth.com>) In light of this extremely troublesome performance, combined with BellSouth's superior retail numbers, BellSouth cannot claim to be in compliance with the checklist standards for loops.

13. In light of the chronic troubles, several KMC City Directors have now mandated, as standard procedure, the installation of several DS-0 back up circuits for each BellSouth DS-1 so that customers are not completely out of service when the DS-1 circuits inevitably go down.

BELLSOUTH'S HAS FAILED TO ADEQUATELY PROVIDE DIRECTORY LISTINGS FOR KMC'S CUSTOMERS

14. BellSouth has failed to process the directory listing information for KMC's customers in an accurate, reliable and satisfactory manner, despite the fact that KMC submits that information in accordance with BellSouth's procedures. Compounding the problem, BellSouth routinely fails to provide KMC with adequate time in which to review directory listing proofs.

15. In April, 2001, for example, BellSouth lost all of the KMC directory listing information submitted by KMC's Augusta office for the prior year, including both new and changed listings. Included among these dropped listings were the emergency numbers for the local county government. Since BellSouth failed to provide adequate time to enable KMC to review the directory listing proofs, the problem did not become apparent until two weeks prior to the directory closing. As a result, KMC had only two weeks to manually write up and submit listings for over 300 KMC customers.

16. Just one year ago, in October, 2000, BellSouth changed its procedure for submission of directory listings without adequate notice to KMC. KMC's Savannah, Georgia, office was forced to re-enter all directory listings, necessitating the assignment of three full-time personnel for an entire month.

17. Furthermore, in Georgia BellSouth printed an incorrect number for KMC Telecom in one of the most recent BellSouth phone books. Ironically, the number that BellSouth printed was assigned to a back-up DS-0 line that KMC maintained to compensate for outages in the BellSouth-supplied DS-1.

18. In Louisiana, BellSouth also fails to process the directory listing information for KMC's customers in a timely manner. BellSouth, for example, incorrectly listed a large block of numbers for a medical center in its Shreveport directory. After much discussion between KMC and BellSouth regarding the problem and the impact of such problems on the customer, BellSouth *again* listed the numbers incorrectly for that same customer – listing both the incorrect number published the year before and the correct number.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on October 22, 2001.



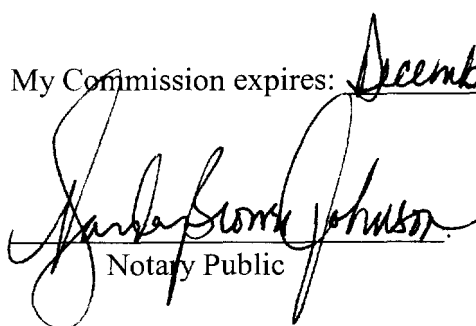
John D. McLaughlin, Jr.
KMC Telecom, Inc.

STATE OF GEORGIA)
) ss
COUNTY OF FULTON)

Subscribed and sworn to before me this 22 day of October, 2001.

Witness my hand and official seal.

My Commission expires: December 2006.



Notary Public

**Before the
GEORGIA PUBLIC SERVICE COMMISSION**

In the matter of

BellSouth Telecommunications Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996

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)

Docket No. 6863-U

AFFIDAVIT OF KATHRYN JOHNSON

[illegible]

I, Kathryn Johnson, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Kathryn Johnson, and my business address is 6600 Abercorn Street, Suite 205 Savannah, Georgia, 31405. I am City Director for KMC Telecom – Savannah, and as such am responsible for all daily business functions in Savannah, including sales, operations, construction, customer care and future business development projects.
2. KMC Telecom (KMC) is a facilities-based Competitive Local Exchange Carrier (“CLEC”) competing in Georgia and in various other states across the country. KMC and its affiliates are building high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and data services.
3. As City Director, I am responsible for all aspects of customer service, including the monitoring and management of vendor performance. In that capacity, I have had numerous

meetings and telephone conversations with BellSouth personnel regarding many of the issues addressed in this affidavit.

BELLSOUTH'S POOR PERFORMANCE TO KMC

1. KMC's ability to compete in Georgia has been severely hampered by BellSouth's poor performance and unresponsiveness.
2. In order to provision the aforementioned services, KMC must interconnect with BellSouth's local infrastructure and purchase unbundled network elements from BellSouth. BellSouth continually fails to meet the appropriate installation intervals and confirmed due dates. BellSouth's poor performance causes service delays and outages for KMC's customers. Once loops are finally provisioned, KMC must endure BellSouth's failure to respond and/or inadequate response to repeated trouble reports.
3. BellSouth does not provide loops to KMC in a manner that allows KMC to compete. Despite proper notice, BellSouth often postpones only one portion of an order to be "supp'd." This results in an out of service condition for the end user.
4. Hot cuts including number porting require KMC personnel to continuously monitor their BellSouth counterparts, beginning three or four days before the cut over. Having to oversee BellSouth in such a manner wastes valuable time and money. Failure to do so, however, leave the end users unhappy with KMC.
5. BellSouth also fails to provide white page listings in accordance with the FCC's rules. Although KMC submits directory listing information in accordance with BellSouth's procedures, BellSouth fails to process that information in an accurate, reliable and satisfactory manner. Moreover, BellSouth routinely fails to provide KMC with adequate

time to review directory listing proofs. As a result, KMC customers are sometimes listed improperly or their names are misspelled.

6. In October, 2000, for example, BellSouth changed its procedure for submitting directory listings but did not provide KMC with adequate notice of this change. As a result, the Savannah office had to re-enter all of its directory listings. This required the full time work of three people for an entire month. This is time and money that KMC had to spend to make up for a problem caused by BellSouth.
7. In my office we have noticed that BellSouth is using a variety of strategies to win back customers it has lost to KMC, including waiving fees for various services, providing customers with monetary credits, and giving customers reduced rates. Also, it is our understanding that at least some BellSouth salespeople carry with them a list of former KMC customers who they allege switched back to BellSouth because of poor service by KMC. Moreover, we suspect that BellSouth is taking proprietary information gathered by its wholesale unit and sharing it with its retail units. It is not unusual to hear from an end user that they were contacted by BellSouth immediately after they decided to switch to KMC. Usually the end users are surprised because they had not otherwise heard from BellSouth in years.
8. Quite simply, BellSouth makes it very difficult for KMC to compete. It is difficult to believe that BellSouth services its own end users as poorly as they provide service to KMC in Savannah.
9. BellSouth's inability to provide hot cuts and/or properly port numbers in a timely fashion effectively precludes a facilities-based carrier from competing. BellSouth's apparent lack of procedures for performing hot cuts suggests it has not spent the time necessary to create such

a procedure or that it simply has not properly trained its employees. Problems with directory listings indicate that BellSouth has not properly instituted proper change control mechanisms. Unfortunately BellSouth does not suffer the effects of these deficiencies; KMC and other competitors do.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge..

Execured on May 31, 2001.


Kathryn Johnson
KMC Telecom, Inc.

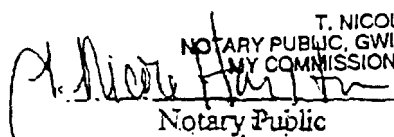
STATE OF GEORGIA)
COUNTY OF CHATHAM)

ss

Subscribed and sworn to before me this ____ day of May, 2001.

Witness my hand and official seal.

My Commission expires: _____


T. NICOLE HAMILTON
NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES MAY 3, 2004
Notary Public

**Before the
GEORGIA PUBLIC SERVICE COMMISSION**

In the matter of

BellSouth Telecommunications Inc.'s

Compliance with Section 271 of the

Telecommunications Act of 1996

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Docket No. 6863-U

AFFIDAVIT OF C. S. Weiss III

STATE OF GEORGIA)

)

COUNTY OF RICHMOND)

I, C. S. Weiss III, being of lawful age and duly sworn upon my oath, do hereby
depose and state as follows:

1. My name is C. S. Weiss III, and my business address is 1450 Greene Street, Suite 140 Augusta, Georgia, 30901. I am City Director for KMC Telecom – Augusta, and as such am responsible for all daily business functions in Augusta, including sales, operations, construction, customer care and future business development projects.
2. KMC Telecom (KMC) is a facilities-based Competitive Local Exchange Carrier (“CLEC”) competing in Georgia and in various other states across the country. KMC and its affiliates are building high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and data services.

PROFESSIONAL EXPERIENCE AND EDUCATIONAL BACKGROUND

3. Before my appointment to City Director, I held several positions with KMC, including Sales Manager, Senior Account Executive, and Account Executive. I came to KMC with over 20

years of telecommunications experience. My prior positions include Branch Sales Manager, Marketing Manager, Manager Authorized Sales Agency and Regional Access Sales Manager, all with BellSouth.

4. I hold a bachelor's degree from Auburn University, and a master's degree from Georgia Southern University.

BELLSOUTH'S POOR PERFORMANCE TO KMC

1. In my capacity as City Director, I am responsible for all aspects of customer service, including the monitoring and management of vendor performance. In that capacity, I have had numerous telephone conversations with BellSouth personnel regarding many of the issues addressed in this affidavit
2. KMC's ability to compete in Georgia has been severely hampered by BellSouth's poor performance and unresponsiveness.
3. In order to provision service, KMC must interconnect with BellSouth's local infrastructure and purchase unbundled network elements from BellSouth. BellSouth continually fails to meet the appropriate installation intervals and confirmed due dates. BellSouth's poor performance causes service delays and outages for KMC's customers. Once loops are finally provisioned, KMC must endure BellSouth's failure to respond and/or inadequate response to repeated trouble reports.
4. All of KMC's orders are submitted through its Service Provisioning Center. Once submitted, the orders should be confirmed by BellSouth using a Firm Order Confirmation ("FOC"), sent back to KMC via facsimile.
5. BellSouth loses approximately twenty percent of orders submitted by KMC in Augusta. KMC must, as a result, KMC resubmit these orders.

6. Compounding the problem of lost orders is the fact that KMC cannot determine if an order is lost because BellSouth often fails to return a FOC. When KMC does not receive a FOC back after it submits an order, it does not know whether BellSouth has simply failed to return a FOC or whether BellSouth has somehow lost an order. Furthermore, KMC cannot simply re-submit every order that does not receive a FOC, as this would undoubtedly compound an already bad situation.
7. BellSouth provides KMC with substandard performance in some of the procedures most vital to competition: hot cuts and switch translations. These problems affect both DS0 and DS1 circuits. For example, BellSouth often misses firm appointment times to cut over a loop. These missed appointments make KMC appear incompetent to its end users.
8. Another common problem is that BellSouth will only partially run the disconnect after the number is ported to KMC. This results in a customer receiving only some of the calls being made to it.
9. In approximately one of five cases when BellSouth completes the hot cut, it fails to complete the requisite disconnect work in its switches. The end result is that the new KMC end-user cannot receive incoming calls for somewhere between twelve and twenty-four hours, depending on whether BellSouth finally runs the disconnect.
10. Generally, it appears that BellSouth does not have proper procedures for performing loop hot cuts with number portability. As a result, the hot cut process is labor intensive and expensive.
11. BellSouth also fails to properly disconnect UNE loops when requested by KMC. It usually takes BellSouth weeks to make the requested disconnect. Between twenty and thirty percent of the facilities underlying loop disconnect orders remain unavailable thirty days after KMC

has requested BellSouth to make them available. Of course, KMC cannot re-use these facilities until BellSouth disconnects them.

12. BellSouth also fails to provide white page listings in accordance with the FCC's rules.

Although KMC submits directory listing information in accordance with BellSouth's procedures, BellSouth fails to process that information in an accurate, reliable and satisfactory manner. Moreover, BellSouth routinely fails to provide KMC with adequate time to review directory listing proofs. As a result, KMC customers are sometimes listed improperly or have their names misspelled.

13. In April, 2001, for example, BellSouth "lost" KMC's customer's directory listing information for Augusta for the prior year, including new and changed listings. Because BellSouth failed to provide sufficient time for KMC to review all of the directory listing proofs, this problem did not become apparent until two weeks prior to the directory listing closing. As a result, my staff had only two weeks to manually write up directory listings for approximately 350 KMC customers, including both emergency and non-emergency listings for the local county government.

14. Finally, I have discovered that BellSouth uses a variety of tactics to win back customers that have switched to KMC. These tactics include waiving fees for various services, providing customers with monetary credits, and giving customers non-tariffed rates. It also appears that BellSouth's retail sales units are using proprietary information obtained from KMC for its wholesale unit. After KMC submits an order to switch an end user from BellSouth to KMC, or requests a copy of the Customer Service Record, a salesperson from BellSouth contacts the end user almost immediately in an attempt to convince them to stay with BellSouth.

15. As indicated above, BellSouth makes it very difficult for KMC to compete. There is simply no way that BellSouth could provide the same poor service to its end users that it provides to KMC. As my experience as City Director in Augusta has shown, BellSouth's loss of orders and failure to return FOCs demonstrates that its OSS is not working properly. Moreover, BellSouth's inability to provide timely hot cuts, correct switch translations, port numbers correctly or disconnect loops properly demonstrates that it is not able to provision vital services and facilities to KMC. The white pages debacle demonstrates its inability to work with CLECs to deliver service that CLEC customers demand. Finally, BellSouth's attempts to winback customers demonstrates that BellSouth engages in inappropriate conduct.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on May 31, 2001.



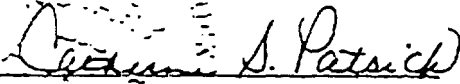
C. S. Weiss III
KMC Telecom, Inc.

STATE OF GEORGIA)
) ss
COUNTY OF RICHMOND)

Subscribed and sworn to before me this 31 day of May, 2001.

Witness my hand and official seal.

My Commission expires: January, 2004 .



Notary Public

**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

IN RE: CONSIDERATION AND REVIEW OF
BELLSOUTH TELECOMMUNICATIONS, INC.'S
PREAPPLICATION COMPLIANCE WITH
SECTION 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. U-22252
SUBDOCKET E

AFFIDAVIT OF RANDY BRADDOCK

STATE OF LOUISIANA)
PARISH OF OUACHITA)

I, Randy Braddock, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Randy Braddock, and my business address is 1401 Hudson Lane, Suite 300, Monroe, LA 71201. I am City Director for KMC Telecom – Monroe and as such am responsible for all daily business functions in Monroe, including sales, operations, construction, customer care and future business development projects.
2. KMC Telecom (KMC) is a facilities-based Competitive Local Exchange Carrier (“CLEC”) competing in Louisiana and in various other states across the country. KMC and its affiliates are building high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and data services.
3. Before my appointment to City Director, I served as Sales Manager for KMC in Monroe. Before joining KMC, I held several key management positions with CenturyTel, most recently in broadband data product development. I also worked as a Strategic Alliance

Manager after spending several years in wireless product development and management for the company. I began my career as an Account Executive for BellSouth.

4. I have a bachelor's degree in Finance from Louisiana Tech University.


BELLSOUTH'S POOR PERFORMANCE TO KMC

1. In my capacity as City Director, I am responsible for all aspects of customer service, including the monitoring and management of vendor performance. In that capacity, I have had numerous telephone conversations with BellSouth personnel regarding many of the issues addressed in this affidavit
2. KMC's ability to compete in Monroe has been severely hampered by BellSouth's poor performance and unresponsiveness.
3. In order to provision service, KMC must interconnect with BellSouth's local infrastructure and purchase unbundled network elements from BellSouth. As is the case in Shreveport as discussed by Mr. Demint, in Monroe, a major source of delay for customers wishing to switch to KMC is the apparent lack of facilities available from BellSouth to enable KMC to provide service to those customers. We have experienced repeated problems with BellSouth indicating that there are no facilities available for the KMC customer, when in fact, BellSouth was looking at the wrong facility.
4. BellSouth continually fails to meet the appropriate installation intervals and confirmed due dates, often canceling the order on the day it was to be installed. BellSouth's poor performance causes service delays and outages for KMC's customers. Once loops are finally provisioned, KMC must endure BellSouth's failure to respond and/or inadequate response to repeated trouble reports. Often BellSouth refuses to act on a trouble, claiming the trouble is KMC's responsibility, only to acknowledge the problem is BellSouth's responsibility a week

later. This results in unnecessary delay for the customer. KMC has trouble with the facilities themselves, having an inordinate amount of repeat troubles with DS0 facilities.

5. BellSouth provides KMC with substandard performance in some of the procedures most vital to competition: hot cuts and switch translations. For example, BellSouth often will work the disconnect order before the number is ported to KMC. This has resulted in recent KMC customer outages for a radio station and hotel in Monroe.
6. Also, when BellSouth completes the hot cut, it often fails to complete the requisite disconnect work in its switches. The end result is that the new KMC end-user cannot receive incoming calls for a period of time, depending on whether BellSouth finally works the disconnect.
7. Generally, it appears that BellSouth does not have proper procedures for performing loop hot cuts with number portability. As a result, the hot cut process is labor intensive and expensive for KMC.
8. KMC customers in Monroe have also experienced problems with their Caller ID. The name and number of some KMC customers in Monroe will not be displayed in certain BellSouth NPA-NXXs in Louisiana, although the name in number will be displayed in others. I understand that BellSouth has acknowledged a Caller ID problem.
9. As indicated above, BellSouth makes it very difficult for KMC to compete. There is simply no way that BellSouth could provide the same poor service to its end users that it provides to KMC. As my experience as City Director in Monroe has shown, BellSouth's inability to provide timely hot cuts, correct switch translations, port numbers correctly or disconnect loops properly demonstrates that it is not able to provision vital services and facilities to KMC.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Randy Braddock
KMC Telecom, Inc.

Subscribed and sworn to before me this 8th day of June, 2001.



Notary Public
My Commission expires: lifetime

**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

IN RE: CONSIDERATION AND REVIEW OF
BELLSOUTH TELECOMMUNICATIONS, INC.'S
PREAPPLICATION COMPLIANCE WITH
SECTION 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. U-22252
SUBDOCKET E

AFFIDAVIT OF GREGORY CHIASSON

STATE OF LOUISIANA)
)
PARISH OF EAST BATON ROUGE)

I, Gregory Chiasson, being of lawful age and duly sworn upon my oath, do hereby
depose and state as follows:

1. My name is Gregory Chiasson, and my business address is 450 Laurel Street, Suite 1500,
Baton Rouge, LA 70801. I am the City Director of KMC Telecom - Baton Rouge. As City
Director, I am responsible for all daily business functions in Baton Rouge, including sales,
operations, construction, customer care and future business development projects.
2. I have fourteen years of telecommunications sales and marketing experience. Before joining
KMC, I served as President/Owner of Pay Phones, Inc. in New Orleans before merging it
with Paystar Communications in California. I also worked with LDS for eight years where I
served as General Manager in New Orleans.
3. KMC is a facilities-based Competitive Local Exchange Carrier ("CLEC") competing in
Louisiana and in various other states across the country. KMC and its affiliates are building

high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and data services.

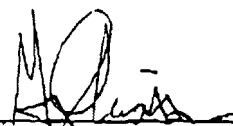
4. I am responsible for all aspects of customer service, including the monitoring and management of vendor performance. In that capacity, I have had numerous meetings and telephone conversations with BellSouth personnel regarding many of the issues addressed in this affidavit.

BELLSOUTH'S POOR PERFORMANCE TO KMC

1. KMC's ability to compete in Louisiana has been severely hampered by BellSouth's poor performance and unresponsiveness. Missing due dates for hot cuts, premature disconnection of customers' service prior to porting their numbers, failure to respond timely to repair tickets and delay of customer orders due to lack of facilities, all are barriers to competing with BellSouth.
2. BellSouth often misses due dates for hot cuts. In fact, BellSouth failed to meet the due date for order coordinated, time specific hot cuts so often, KMC does not attempt to schedule such hot cuts with BellSouth. KMC personnel has to continuously monitor any hot cut that is scheduled with BellSouth, beginning days before the cut over to avoid customer outages and transfer problems. Even then, the hot cuts are often cancelled by BellSouth, sometimes on the due date itself.
3. Once loops are finally provisioned, KMC has difficulty getting BellSouth to respond to trouble reports. Thus, not only does BellSouth does not provision loops to KMC in a manner that allows KMC to compete, BellSouth does not provide adequate repair of those facilities either. BellSouth's actions, whether intentional or not, result in unhappy KMC customers.

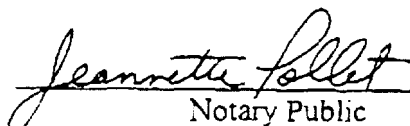
4. As reported by other KMC City Directors in Louisiana, I have also experienced BellSouth's practice of prematurely disconnecting KMC customers' service. BellSouth does not adequately coordinate the disconnect order with the customer service order such that the customer loses service, which reflects poorly on KMC when, in fact, BellSouth caused the outage.
5. In my office we have noticed that BellSouth is using a variety of strategies to win back customers it has lost to KMC, including waiving fees for various services, providing customers with monetary credits, and giving customers reduced rates. We have also noticed the use of misleading statements by BellSouth, such as "KMC is simply a reseller" and also inferring that KMC is going bankrupt. This type of behavior seriously undermines the trust that the customers have placed in KMC and are anti-competitive.
6. Quite simply, BellSouth's anti-competitive conduct has hampered KMC's ability to compete. It is difficult to believe that BellSouth services its own end users as poorly as they provide service to KMC in Baton Rouge.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Gregory Chiasson
KMC Telecom, Inc.

Subscribed and sworn to before me this 11th day of June, 2001.



Notary Public
My Commission expires: at death

**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

IN RE: CONSIDERATION AND REVIEW OF
BELLSOUTH TELECOMMUNICATIONS, INC.'S
PREAPPLICATION COMPLIANCE WITH
SECTION 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. U-22252
SUBDOCKET E

AFFIDAVIT OF RICHARD S. DEMINT

STATE OF LOUISIANA)
PARISH OF CADDO)

I, Richard S. Demint, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Richard S. Demint, and my business address is 333 Texas Street, Suite 2280, Shreveport, LA 71101. I am City Director for KMC Telecom – Shreveport, and as such am responsible for all daily business functions in Shreveport, including sales, operations, construction, customer care and future business development projects.
2. Prior to joining KMC, I served 13 years as a Major Account Manager for BellSouth Business in Shreveport. Previously, I served as the General Manager of Southern Telcom, Inc., and as Sales Manager and Director of Customer Services for an Executone Telephone Franchise in Shreveport.
3. KMC is a facilities-based Competitive Local Exchange Carrier (“CLEC”) competing in Louisiana and in various other states across the country. KMC and its affiliates are building

high-speed, high-capacity advanced fiber optic networks to provide various services to business customers, including local and long distance voice and data services.

4. I am responsible for all aspects of customer service, including the monitoring and management of vendor performance. In that capacity, I have had numerous meetings and telephone conversations with BellSouth personnel regarding many of the issues addressed in this affidavit.

BELLSOUTH'S POOR PERFORMANCE TO KMC

1. KMC's ability to compete in Louisiana has been severely hampered by BellSouth's poor performance and unresponsiveness.
2. To provision the aforementioned services, KMC must interconnect with BellSouth's local infrastructure and purchase unbundled network elements from BellSouth. However, a major source of delay for customers wishing to switch to KMC is the apparent lack of facilities available from BellSouth to enable KMC to provide service to those customers. Although BellSouth may have facilities to provide its customers with service, when the customer attempts to switch to KMC, the customer's order is often delayed. In some cases, KMC has discovered that there were in fact facilities available when the order was designated as a "pending facility."
3. Making matters worse, BellSouth often sets a due date for completing the customer's order through a firm order confirmation (FOC), only to communicate to the CLEC on the due date that the order cannot be completed due to lack of available facilities. In some cases, the customer has had to make special arrangements for the transfer of service. Thus, BellSouth's failure to timely communicate whether facilities are available to complete the order creates

unnecessary delay and work for the customer and detrimentally impacts the customer's impression of KMC.

4. BellSouth points to the inaccuracy of its records as the reason for such instances in that its records indicate that facilities are available, but when the technician travels to the premise to complete the order, there are in fact no facilities. Yet, it is KMC's customers that are paying for BellSouth's inaccuracy. Ironically, in some cases, the customer has switched back to BellSouth -- the company that caused the delay in the customer's switch to KMC.
5. Once loops are finally provisioned, KMC must endure BellSouth's failure to respond and/or inadequate response to repeated trouble reports. KMC has an inordinate amount of repeat troubles with its facilities, especially T-1 facilities. BellSouth may repeatedly test a T-1 facility before discovering the source of the chronic problem, each time charging KMC a "no trouble found" charge when in fact a trouble did exist but simply was not discovered by the technician.
6. BellSouth does not provide loops to KMC in a manner that allows KMC to compete. Despite proper notice, BellSouth often postpones only one portion of a supplemented order. For example, on an order where the due date has been changed, BellSouth may still work the disconnect. This results in the customer losing service and reflects poorly on KMC when, in fact, BellSouth caused the outage. KMC also continues to experience disconnects when BellSouth works the disconnect portion of the order prior to the customer's number being ported. This recently happened to a medical facility that was switching to KMC.
7. Hot cuts including number porting require KMC personnel to continuously monitor their BellSouth counterparts, beginning three or four days before the cut over in an attempt to avoid customer outages and transfer problems. Having to oversee BellSouth in such a

manner wastes valuable time and money. Failure to do so, however, leaves the end user unhappy with KMC.

8. BellSouth also fails to provide satisfactory white page listings. Although KMC submits directory listing information in accordance with BellSouth's procedures, BellSouth fails to process that information in an accurate, reliable and satisfactory manner. Moreover, BellSouth routinely fails to provide KMC with adequate time to review directory listing proofs. As a result, KMC customers are sometimes listed improperly or their names are misspelled. In one case, the same customer had problems two years in a row.
9. A very disturbing problem that KMC has experienced in Shreveport is errors by BellSouth in processing 911 information for KMC's customers. KMC provides information to BellSouth, which in turn BellSouth is supposed to provide to the appropriate 911 authorities. In one particular case, when a medical facility had to call 911 for emergency assistance, the name of the facility was not shown on the 911 technician's screen and the address that was shown was incorrect. I understand that BellSouth has acknowledged a database problem relating to 911.
10. KMC customers in Shreveport have also experienced problems with their Caller ID. The incorrect caller identification number is being displayed on the handset of the person being called by the KMC customer. For example, in one case, the KMC NXX was being reflected as a call from New York, New York. I understand that BellSouth has acknowledged a Caller ID problem.
11. BellSouth recently engaged in a switch conversion in Shreveport, moving existing switch traffic from a 1-A Switch to a DMS Nortel switch. BellSouth provided a notice to CLECs regarding the switch conversion, but only of the completion date, not notice of the time period when the work associated with the switch conversion would take place. Unfortunately,


that was the only notice provided. There was no notice provided near the time the conversion was to take place. Nor was there any coordination between BellSouth and the CLECs. The switch conversion resulted in widespread and lengthy customer outages to the surprise of both CLECs and independent LECs.

12. In my office we have noticed that BellSouth is using a variety of strategies to win back customers it has lost to KMC, including waiving fees for various services, providing customers with monetary credits, and giving customers reduced rates. We suspect that BellSouth is taking proprietary information gathered by its wholesale unit and sharing it with its retail units. It is not unusual to hear from an end user that they were contacted by BellSouth immediately after they decided to switch to KMC. Usually the end users are surprised because they had not otherwise heard from BellSouth in years.
13. KMC customers have also made me aware of misleading statements made by BellSouth salespersons with respect to ordering of DSL service. For example, a customer having voice service through KMC wanting to order DSL service from BellSouth has been told that to obtain such service, the customer would have to switch its entire voice account to BellSouth. However, this is not a true statement. BellSouth neglects to tell the customer that he only needs to have one voice line with BellSouth to obtain DSL service. Thus, a KMC customer with 10 voice lines need not switch all of his service to BellSouth. Due to this misleading practice, KMC has lost customers to BellSouth. It is also my understanding that there is no technical reason why the KMC customer has to have any voice service with BellSouth to obtain DSL service. Rather, BellSouth has simply made a policy decision to make the customer purchase at least a single line of voice service to obtain DSL service from BellSouth. Luckily, some customers contacted KMC regarding BellSouth's representations

rather than simply switching back to BellSouth based upon such representations. This has allowed KMC to become aware of the practice and to inform the customer of the available options relating to DSL service.

11. Quite simply, BellSouth makes it very difficult for KMC to compete. It is difficult to believe that BellSouth services its own end users as poorly as they provide service to KMC in Shreveport.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Richard S. Demint
KMC Telecom, Inc.

Subscribed and sworn to before me this 8 day of June, 2001.



Notary Public

My Commission expires:

ALICE P. CALVERT
Notary Public, Caddo Parish, La.
My Commission is for Life